

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RENEE M. BUTZ,	)	
	)	
Plaintiff,	)	
v.	)	C.A. No. 04-970-JJF
	)	
LAWNS UNLIMITED AND EDWARD	)	
FLEMING	)	
Defendants.	)	

**NOTICE OF SERVICE**

I, Margaret M. DiBianca, Esquire, hereby certify that on March 13, 2007, two (2) true and correct copies of DEFENDANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF were caused to be served by depositing same in the United States Mail, for delivery via Certified Mail with a Return Receipt Requested and via U.S. First Class Mail, postage prepaid to the following non-registered participant:

Renee M. Butz  
58 Hickory Drive  
Northeast, MD 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

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Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

**CERTIFICATE OF SERVICE**

I hereby certify that on March 13, 2007, I electronically filed NOTICE OF DEFENDANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF with the Clerk of Court using CM/ECF, and, on the same day, caused two (2) copies of such Notice to be deposited in United States Mail, for delivery via Certified Mail with a Return Receipt Requested and via U.S. First Class Mail, postage prepaid to the following non-registered participant:

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Attorneys for Defendants

DATED: March 13, 2007

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FOR THE DISTRICT OF DELAWARE

RENEE M. BUTZ,	)	
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Plaintiff,	)	
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	)	C.A. No. 04-970-JJF
LAWNS UNLIMITED AND EDWARD	)	
FLEMING,	)	
	)	
Defendants.	)	
	)	

**DEFENDANTS' FIRST REQUEST FOR PRODUCTION OF  
DOCUMENTS DIRECTED TO PLAINTIFF**

Pursuant to Federal Rule of Civil Procedure 34, Defendants LAWNS UNLIMITED AND EDWARD FLEMING hereby request that Plaintiff RENEE M. BUTZ produce to the offices of Young Conaway Stargatt & Taylor, LLP on or before thirty (30) days from the date of receipt of this Request, the following documents.

**DEFINITIONS AND INSTRUCTIONS**

A. The word "document" or "documents" as used herein is employed in the broadest possible sense under Rule 34 and shall include without limitation the original and any non-identical copy of any written, printed, typed, photographic, recorded or graphic matter, however produced or reproduced, including but not limited to, any correspondence, memoranda, notes, logs, telegrams, videotapes, audiotapes, tape recording, reports, diaries, transcripts of telephone or other conversations or any other writings of any nature whatsoever, other photographic and retrievable matter (whether taped or coded, electrostatically, electromagnetically, or otherwise) in possession, custody or control of the above-named Plaintiff and/or her attorneys.

B. “Person” refers to the plural as well as the singular of any natural person, firm, corporation, association, group, partnership or organization, unless specifically stated otherwise.

C. “You” and “your,” as used in this Request, shall mean the Plaintiff, her agents, and all other persons acting on her behalf, including her attorneys.

D. If you claim that the attorney-client, attorney work product, or any other privilege applies to any document which is sought by this Request, then with respect to that document:

- (1). State the date of the document;
- (2). Identify the author(s) of the document;
- (3). Identify each and every person who prepared or participated in the preparation of the document;
- (4). Identify each and every person for whom the document was intended as either an addressee or the recipient of a copy;
- (5). Identify each and every person who has ever had possession of the document if other than the person identified in the preceding paragraph (4); and
- (6). State the factual and legal basis for the claimed privilege, or specific statutory authority which provides the claimed ground for non-production.

E. This Request shall be deemed continuing so as to require further supplemental production in the event Plaintiff, or any attorney, agent, representative or professional employed by Plaintiff in connection with this litigation obtains or discovers

additional documents between the time of initial production and the time of hearing or trial.

### **REQUESTS**

1. All audio or videotapes, tape recordings, notes, diaries, logs, calendars, chronologies, reports of investigation, and other documents taken, made, or prepared by you or on your behalf concerning any fact at issue in this case, including without limitation, summaries, statements, or recorded interviews of any person concerning any matter in issue in the pleadings.
2. All correspondence between you and Defendants referring or relating to any of your claims against Defendants.
3. All correspondence between you and any other person or entity (other than privileged documents) referring or relating to any of your claims against Defendants.
4. All documents that you contend form the factual basis for or support your contention that Defendants committed any wrongful act, failure to act, unlawful discrimination, and/or unlawful retaliation.
5. All documents (including those that support any claim for punitive or liquidated damages) establishing, supporting, evidencing, referring or relating to any relief you seek in your Complaint, including but not limited to, all pecuniary or financial losses such as lost income, salary, bonus or other compensation, benefits, damages for

personal or bodily injury or for emotional distress, and/or any injunctive or other non-pecuniary relief you request

6. All documents that you filed with, or that were sent to you by, the Equal Employment Opportunity Commission (“EEOC”), Delaware Department of Labor (“DDOL”), and/or any other state, local or federal agency in connection with your claims.

7. All documents which relate or refer to your employment with Defendants, including, but not limited to, all documents concerning any alleged changes in working conditions, assignments, rates of pay, and evaluations, or other documents concerning your performance.

8. Copies of all medical records of each physician, psychologist, psychiatrist, or other health care provider for treatment or consultations for physical or emotional injuries you allegedly sustained as a result of the facts alleged in the Complaint.

9. All records reflecting income received by Plaintiff during the past five years, whether as a result of employment or self-employment, including copies of all federal and state income tax returns with all attached schedules.

10. All documents concerning your efforts to secure employment in any job or position made any time during or after his employment with Defendants, including without limitation correspondence, employment applications, resumes, curriculum vitae, or biographical sketches sent to any prospective employer, employment

agency, employment search firm, recruiter, temporary staffing firm, or vocational counselor and/or all documents he received from any prospective employer or employment agency.

11. Any and all documents you received from, provided to, or obtained through Defendants related to your employment at Lawns Unlimited, LLC, including but not limited to, employee manuals or handbooks, job applications, resumes, information relating to employee benefits such as paid time off, health, disability and/or life insurance, job descriptions (formal and informal), attendance records, and employment-related correspondence.

12. Any and all documents you received from, provided to, or obtained through your current employer or, if you are not currently employed, your most recent employer, related to your employment, including but not limited to, employee manuals or handbooks, job applications, resumes, information relating to employee benefits such as paid time off, health, disability and/or life insurance, job descriptions (formal and informal), attendance records, and employment-related correspondence.

13. All documents reflecting damages incurred on behalf of yourself or others as claimed in the Complaint, including but not limited to, medical or health care expenses, non-reimbursed purchases, and other costs expended.

14. All documents identified or referred to, in your answers to Defendants' First Set of Interrogatories Directed to Plaintiff.

15. Any other document or thing in your possession or available to you, in addition to the items specified in previous sections of this Request for Production that is relevant to any issue in the litigation, including but not limited to issues of liability and/or damages.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca

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